

WAR FOES CLASH WITH HOUSE UNIT; 8 ARE ARRESTED

Hearing on Aid to Vietcong
Opens After 3 Judges Lift
Court Ban on Session

SHOUTING STIRS INQUIRY

Protesters Are Carried Out
and Booked on Charge
of Disorderly Conduct

By JOHN HERBERS

Special to The New York Times

WASHINGTON, Aug. 16—A Congressional hearing into how some Americans have aided the Vietcong erupted into disorder today, minutes after a head-on clash between the judicial and the legislative branches was averted.

A panel of three Federal judges met hurriedly this morning and dissolved, for the time being, another Federal judge's order forbidding the hearing by the House Committee on Un-American Activities.

The committee had charged that a court did not have the authority to enjoin Congress and was prepared to defy the order and hold the hearing.

The hearing got under way only 10 minutes late, without any risk of contempt of court.

It immediately degenerated into angry shouting matches between witnesses and attorneys on one side and committee members, policemen and United States marshals on the other. Periodically, witnesses and spectators were carried kicking and screaming from the hearing room, through crowded corridors, to a police station. At least eight were ejected.

Contest on Policy

It was a classical contest between the most militant protesters against American policy in Vietnam and Representatives who believe in using Congressional hearings as a weapon against Communism. Both sides

seemed pleased at the opportunity for action.

Tensions began to build during the weekend when members of several radical groups who have opposed American foreign policy began to arrive in Washington to demonstrate against the hearings.

They heightened yesterday when, to the surprise of everyone involved, United States District Judge Howard F. Corcoran granted a petition by the American Civil Liberties Union and ordered the hearings abandoned until a three-judge court could decide whether the committee's functions were unconstitutional.

The House leadership immediately denounced the order as a violation of the principle of separation of judicial

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and legislative powers. The Department of Justice, representing Congress in court, went to the United States Court of Appeals for the District of Columbia last night and asked that the order be dissolved.

Panel's Decision

Instead, the appeals court appointed a three-judge panel, as requested by the Civil Liberties Union, to hear the case. The panel—composed of Judge Corcoran and Chief Judge David L. Bazelon and Judge Charles Hahy of the appeals court—said this morning that the witnesses called by the committee would not be subject to "irreparable damage" by appearing before it and the hearings could proceed.

But the court panel scheduled a hearing for tomorrow afternoon on the question of whether a person's First Amendment right of free speech is endangered simply by having to appear before the committee.

As the three judges' decision was being issued in a courthouse two blocks from the Capitol, several hundred demonstrators, spectators, uniformed policemen and United States marshals were assembled in the Cannon House Office Building for the hearing.

The ornate caucus room held about 400, many of them standing. At least 200 others were held back in the halls by the police. James J. P. McShane, the chief United States marshal, who had directed Federal forces at the University of Mississippi riots in 1962, was on hand to direct the police

operations.

A few minutes after 10 o'clock, Representative Joe R. Pool, Democrat of Texas, chairman of the subcommittee in charge of the hearing, rapped for order.

Noise and Confusion

But noise and confusion drowned out the sound of his gavel. Photographers, lawyers, bearded youths and plainclothes policemen milled about the room. At the door a woman screamed:

"I'm an attorney for the witness, and the police won't let me in."

She was Beverly Axelrod of San Francisco. With her was Jerry Clyde Rubin, an organizer of the Vietnam Day Committee in Berkeley, Calif. He wore a handlebar mustache and a Revolutionary War uniform complete with tails and gold buttons.

Mr. Pool ordered them admitted. Inside the room Miss Axelrod screamed, "The police are trying to take my documents."

Mr. Rubin passed around pamphlets saying he was trying to "symbolize the fact that America was born in revolution" but was now "denying the right of others to revolution."

The names of 12 witnesses subpoenaed were called. As they picked their way through the crowd in the aisle each was supplied with a copy of the opening statement Mr. Pool was about to make.

Some tried to make speeches above the din. George Ewart Jr., a member of the Progressive Labor party, scowled at Mr. Pool and shouted, "This should have been handed to me 48 hours before."

Cheers and Applause

Mr. Pool shouted to the witness to sit down.

Several lawyers tried to make motions to stop the hearings. One who identified himself as Frank Donner said he represented several students and "that is a scandalous violation of academic freedom."

Scores in the audience cheered and applauded. Mr. Pool pounded again and instructed the police to "remove anyone who continues these demonstrations."

As Mr. Pool erad his statement, there was laughter and occasional hissing.

He said the hearings had been called to consider a bill he introduced in January to make it a crime to aid anyone engaged in hostilities against the United States and to provide punishment of up to five years imprisonment. But he said that "this is not a legislative hearing" in the sense that witnesses would be permitted to express their views.

"These hearings are concern largely with overt acts," he said. "Sending aid, or attempting to send aid, to an enemy of the United States is an overt

act; it is not mere dissent. Obstructing the movement of armed forces, personnel and supplies is an overt act; it is by no stretch of the imagination mere dissent."

Others on Panel

Other committee members present were John M. Buchanan Jr., Republican of Alabama; Del Clawson, Republican of California; Richard H. Ichord, Democrat of Missouri, and George F. Senner Jr., Democrat of Arizona.

The first witness was Philip M. Luce, a 28-year-old former member of the Progressive Labor party. When his name was called there was prolonged missing.

"He's a traitor," a student said.

Mr. Luce, a man with long blond hair and a big red mustache, had been before the committee before, when the panel

was investigating a student trip to Cuba. But now he was a friendly witness.

Mr. Luce said he was a member of the Progressive Labor party from July, 1964, to January, 1965, but had broken all ties because he came to realize "there's a difference in being a revolutionary and a rebel."

He said the party was a "Marxist - Leninist - Communist organization" formed by those who found the Communist party of America too staid. It is, he said, sympathetic to the "Chinese-Albanian faction" of the world Communist movement.

He said the party had formed several front groups, including the May 2d Movement, the Harlem Defense Committee and a Group called C.E.R.G.E. The May 2d Movement has been disbanded and its members were urged by leaders to join the Student Nonviolent Coordinating Committee and Students for a Democratic Society.

Knowing they cannot bring about the fall of the American Government at this time, Mr. Luce said, party members hope to precipitate disorders such as "riots in the ghettos" in order to bring anarchy.

During Mr. Luce's testimony, Jeffrey Gordon, 23 years old,

of New York, stood and shouted:

"Let's stop this fink testimony and get the United States out of Vietnam."

Several officers crushed through the crowd, seized Mr. Gordon and dragged him from the room. Crowds in the halls cheered and clapped as Mr. Gordon was pushed, kicked and yelling, into an elevator.

In the hearing room Mr. Luce told the committee, "That's typical of what I was talking about. These people don't want to start a democratic dialogue. They just want to shout slogans."

Richard Mark Rhodes, another scheduled witness, stood and screamed: "Is that HUAC's idea a democratic dialogue?"

He was dragged out. Periodically others stood, shouted and were dragged out. At least eight were booked by the police for disorderly conduct and released on bail.

Those in the halls chanted: "End the war in Vietnam, get the troops home—End the war in Vietnam — Get the troops home."

A Question of Relevancy

In the afternoon session Mr. Gordon, back from the police station, was called and questioned by Alfred M. Nittle, com-

mittee counsel. The exchange went like this:

Q. What's your name?
A. What is the relevance of that?

Q. It is relevant.
A. I will state that the U.S. is the aggressor in Vietnam. My name is Jeffrey Gordon and I identify with the American Revolution.

Mr. Pool. I know another man who identified with the American Revolution. I think his first name was Benedict. (Applause from the other side).

Mr. Gordon read from the Constitution and castigated the committee while Mr. Pool rapped for order. He said he was a member of the Progressive Labor party and the May 2 Movement, a radical student group formed at Yale in 1964 and named for the date of its first mass protest against the war, May 2, 1964.

"You send the boys to Vietnam to die," Mr. Gordon told the committee. "Johnson sends them to die, big business sends them to die. Johnson is a murderer. The U. S. is the aggressor."

There was loud applause.

Mr. Gordon invoked the Fifth Amendment protection against self-incrimination when asked if he had received a letter from the Internal Revenue Service advising him that it was a violation of law to send money to North Vietnam.

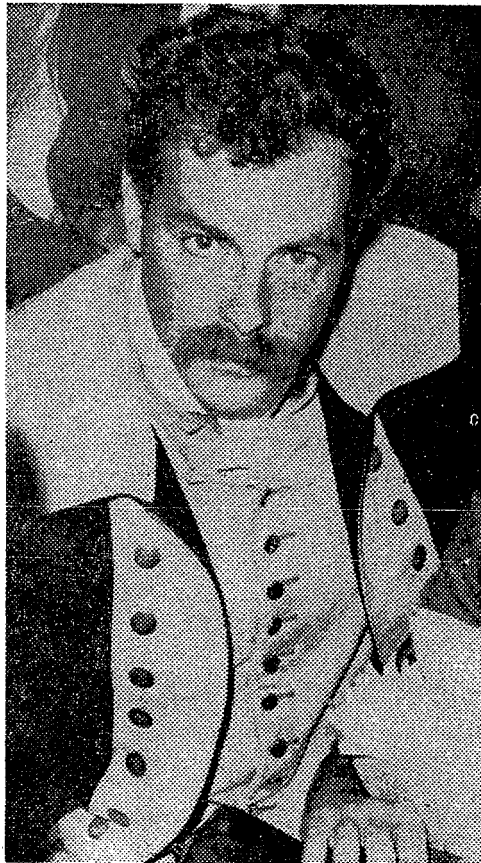
When Mr. Pool had excused Mr. Gordon and recessed the hearings for the day, Mr. Gordon turned and shouted into the microphone: "Get out of Vietnam."

After the halls were cleared, the police cleared out newspapers and other debris that had been left. On one wall in red paint was a sign, "U. S. get out of Vietnam," and in black letters, "Whack HUAC."

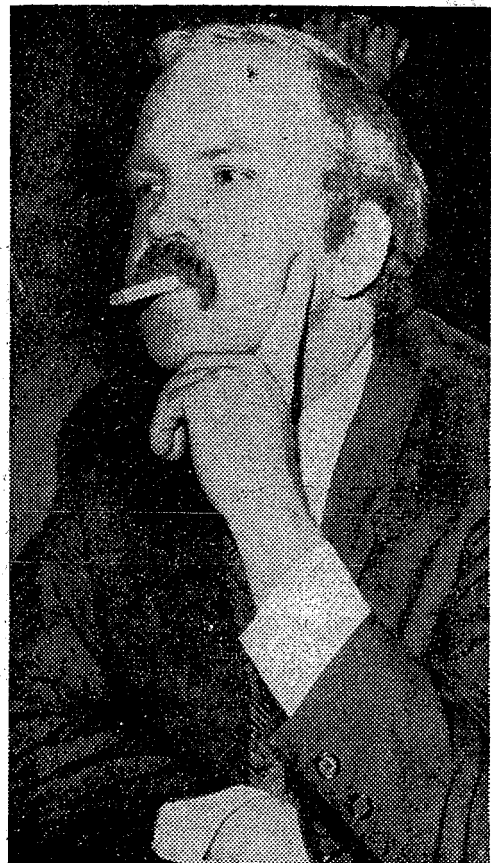


United Press International Telephoto

STILL SHOUTING: Jeffrey Gordon of New York being ousted from hearing of House Un-American Activities subcommittee. Mr. Gordon shouted: "Let's get out of Vietnam."



IN REVOLUTIONARY GARB: Jerry Clyde Rubin of Vietnam Day Committee in California charged betrayal of 1776 ideas.



United Press International Telephotos

FRIENDLY WITNESS: Philip M. Luce, a former member of the Progress Labor party, was first to testify at hearing.



Associated Press Wirephoto

PICKETS MARCH OUTSIDE THE WHITE HOUSE: Members of groups that oppose United States action in Vietnam carrying placards yesterday in Washington. "HUAC" on signs is House Committee on Un-American Activities.